

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**LAURA HILL,**

**Plaintiff,**

**v.**

**C.A. No. 4:18-cv-00137-MSD-LRL**

**JAMESTOWN-YORKTOWN  
FOUNDATION,**

**Defendant.**

**DECLARATION OF CYNTHIA A. DANIEL**

I, Cynthia A. Daniel, declare that the following facts are true to the best of my knowledge and belief:

1. I am presently employed as an Interpretive Site Manager at the Jamestown-Yorktown Foundation ("JYF" or "Foundation"). As an Interpretive Site Manager, my job duties include, but are not limited to, performance management and supervision; daily program management and program quality oversight; special programs and events planning, support and management; training, budget and resource management; site coordination and communication; and museum duty officer coverage.

2. I make this declaration based on personal knowledge and/or review of records kept in the regular and ordinary course of business.

3. In or around October of 2011, Ms. Hill began working as a part-time, historical interpreter at the Foundation's James Fort site. On or about December 10, 2011, Mr. Robert Homer Lanier, Museum Interpretive Site Manager, and I met with Ms. Hill to review the testing process she must clear to work in costume at the James Fort site. On or about January 8, 2012, we again met with Hill about her failure to pass the clearing process at

the James Fort (as well as other issues regarding her attendance and scheduling). After that meeting, Ms. Hill requested, and was given, a voluntary transfer to a different interpretive site (at the Powhatan Indian Village ("PIV")).

4. On May 14, 2018, Ms. Hill interviewed for the position of Assistant Supervisor (which would have promoted her above both the full-time and part-time historical interpreters). I was on interview panel for this position, along with Ms. Barbra Hoffman and Mr. Frank Hardister. The panel determined that Ms. Hill did not perform well in the interview and failed to demonstrate a full understanding of the Foundation's interpretive methodologies. By way of example, Ms. Hill gave an incomplete answer to the fourth interview question (regarding evaluating staff demonstrations) as she gave vague, general examples and left out a key component of the Foundation's teaching methodologies. Ms. Hill likewise gave a weak, generalized answer to the ninth interview question (regarding confronting a visitor about cultural misconceptions). By contrast, the successful candidate provided a very strong, thoughtful response to that question (which included a discussion of teachable moments). In addition, the panel believed that Ms. Hill's answers did not demonstrate that she possessed significant supervisory experience. The successful candidate, however, performed well during the interview process, was able to articulate his significant prior supervisory and museum experience, and also demonstrated an understanding of the Foundation's interpretive methodologies. In addition to the successful candidate, there were one or two other applicants who also performed well in their interviews (and thus too were in close contention for the position) - but Ms. Hill was not one of them.

5. In September of 2018, Hill and another JYF employee, Charlotte Price (who was a Caucasian female who had not engaged in any protected activity of which I was aware) were both given a memorandum indicating that JYF needed them to take over presenting

general education tours. This reassignment was based on the legitimate business needs of the Foundation, which were outlined in the memorandum. A true and accurate copy of the September 19, 2018 memorandum is attached hereto as Hill Dep., Ex. 44 (JYF 000144-145). Although this change meant that Ms. Hill and Ms. Price would no longer be working in costumed roles, their pay remained the same. It also was intended that their amount of hours worked would remain approximately the same as before. Ms. Price has worked in this reassigned role since on or about October 1, 2018 – and continues to do so currently (as of the date of this declaration).

6. On October 16, 2018, Homer Lanier and I met with Mr. Mark Howell, Director of Museum Education Services, as the Foundation considered what action should be taken in response to Ms. Hill's failure to come to work as scheduled on October 14, 2018. We discussed the incident on October 14, 2018 and Ms. Hill's previous problems with time and attendance issues (including JYF's past efforts to resolve them, and other issues, through corrective action). We also reviewed documentation related to such (by way of illustration, but not limitation, the March 15, 2018 memorandum to Ms. Hill). A true and accurate copy of that memorandum is attached hereto as Hill Dep., Ex. 21 (JYF 000140-141)). In light of the foregoing, I recommended that Ms. Hill's employment be terminated, as I believed the Foundation's past efforts to improve her job performance (and, in particular, her attendance issues) through corrective action had proved unsuccessful. My intent in previously counseling Ms. Hill (as noted herein) was to have her correct the various issues and problems that were raised so that her overall job performance would improve.

7. On October 23, 2018, Ms. Barbra Hoffman and I met with Ms. Hill to notify her of the termination of her employment.

8. In addition to Ms. Hill, from January 1, 2016 through October 23, 2018, three (3) other part-time historical interpreters were terminated for failing to come to work and/or failing to come to work as scheduled. Two (2) of these individuals were Caucasian and one (1) identified as being of Native American descent.

9. My actions, beliefs and decisions regarding Ms. Hill, and her employment at the Foundation, were legitimate and work-related. They were not based on Ms. Hill's race or retaliatory - nor were they based, in whole or in part, on any other unlawful motive.

Pursuant to 28 U.S.C. § 1746, I, Cynthia A. Daniel, declare under penalty of perjury that the foregoing is true and correct. Executed this February 22, 2020.



Cynthia A. Daniel

## MEMORANDUM

TO: Laura Hill, Charlotte Price  
FROM: Cindy Daniel, Homer Lanier  
DATE: September 19, 2018  
RE: Orientation Tours at Jamestown Settlement

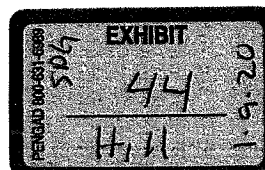
As we mentioned at the after-hours meeting on Monday, beginning October 1, 2018 Interpretive Services will take over presenting general orientation tours from On-Site Education as they turn their attention to booked, structured education tours.

You have been selected to lead this effort due to your tenured status and experience with both Interpretation and On-Site Education, and we feel that your skills best position Interpretive Services to successfully accomplish the following goals:

1. Continuing to provide tours for the general public, especially during the busy school seasons when individuals and families can feel overwhelmed and left out of the outdoor experience.
2. Continuing to provide elements of the recently successful African Cultural Heritage pilot program by including hands-on components from the program in a stop in the Riverfront Discovery Area as part of the tour.
3. While staffing and budget resources will allow limited staff commitment to delivering these tours, we are confident that the two of you, along with current volunteer support of tours, will allow for nearly seven-day-a-week offerings for the visitors.

The orientation tours will be 90 minutes in length, and you will each do three tours a day. There will be two different tour shifts assigned:

- Tour A will work a B55 shift and follow this schedule:
  - 10:00-11:30am tour
  - 11:30am-12:30pm lunch
  - 12:30-2:00pm tour
  - 2:00-2:30pm break/gallery
  - 2:30-4:00pm tour



JYF 0000144

- Tour B will work a C55 shift and follow this schedule:
  - 11:00am-12:30pm tour
  - 12:30-1:30pm lunch
  - 1:30-3:00pm tour
  - 3:00-3:30pm break/gallery
  - 3:30-5:00pm tour

The tour path will be as follows:

gazebo ➡ village ➡ fort ➡ riverfront ➡ ships

In the event of a split tour (with a volunteer), the path will be:

gazebo ➡ fort ➡ riverfront ➡ ships ➡ village

As stated above, in order to effectively include all three cultures at Jamestown, the Riverfront Discovery Area and its relevant map will be utilized as a stop along the tour again. We are debating the addition of a chest of artifacts on that site for our use, or an artifact bag, as On-Site Education uses. We would value any input you had in this area.

In the event that we have a volunteer who wants to do a tour, and the tour is not large enough to split, defer to the volunteer and let them do the tour. Move to the gallery and interpret to visitors there.

This is a non-costumed interpretive position within Interpretive Services, so please dress professionally (as the GEs do) for the tours, with consideration for the day's weather forecast. As soon as polo shirts for Interpretive Services become available, we will provide you with those, if you would prefer. Cindy Daniel will supervise you, and provide a new position description, monthly scheduling, and regular timesheet submissions. (Homer Lanier will continue to do the same for Randy Flood at Yorktown.)

Thank you in advance for your support of our plan to maximize visitor satisfaction by continuing to provide these valued orientation tours. If you have any questions, please don't hesitate to ask.

Cc: Frank Hardister  
Mark Howell  
Martin Saniga  
Lara Templin